



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

May 16, 2025

By ECF

The Honorable Denise L. Cote
United States District Judge
United States Courthouse
500 Pearl St.
New York, NY 10007

Re: *Am. Fed'n of Gov't Emps., AFL-CIO, et al. v. U.S. Office of Personnel Mgmt., et al.*, No. 25 Civ. 1237 (DLC)

Dear Judge Cote:

This Office represents the Defendants in the above-referenced case. Pursuant to Section 7 of the Stipulated Protective Order in this case (ECF No. 66), Section 8.B of Your Honor's Individual Practices, and Section 6 of the Southern District of New York's ECF Rules & Instructions, we write respectfully to request leave to file under seal unredacted versions of three declarations filed in opposition to Plaintiffs' motion for a preliminary injunction, in conjunction with versions of the same declarations with limited redactions filed on the public docket.

Defendants make this request given Defendants' concerns that identifying certain Office of Personnel Management ("OPM") employees publicly would be an unwarranted invasion of privacy and could lead to potential threats and harassment. *See, e.g., United States v. Amodio*, 71 F.3d 1044, 1051 (2d Cir. 1995); *Matter of New York Times Co.*, 828 F.2d 110, 116 (2d Cir. 1987) ("the privacy interests of innocent third parties . . . should weigh heavily in a court's balancing equation in determining what portions of motion papers in question should remain sealed or should be redacted," and noting that "redaction of names" of third parties may be appropriate to protect their personal privacy interests). In addition to this information, exhibits to two of the declarations contain other sensitive information, including the contact information of agency personnel involved in the onboarding of relevant OPM employees. Versions of these declarations with limited redactions to protect such sensitive information, consistent with the Stipulated Protective Order entered in this case, (ECF No. 66), have been filed contemporaneously with this request (*see* ECF Nos. 96, 97, 98) and will enable the public to assess the basis of the Court's decision on Plaintiffs' motion for a preliminary injunction. *See, e.g., In re Savitt/Adler Litig.*, No. 95 Civ. 1842 (RSP)(DRH), 1997 WL 797511, at *3 (N.D.N.Y. Dec. 23, 1997) (finding that "[r]edaction of names and identifying details will protect the strong privacy interest of non-part[ies] while still enabling the public and press to assess," the basis of the court's decision); *Lohnn v. Int'l Bus. Machines Corp.*, No. 21 Civ. 6379 (LJL), 2022 WL 36420, at *17 (S.D.N.Y. Jan. 4, 2022) (permitting redaction of "the names and titles of executives, managers, and other [Defendant]

employees” to protect personal privacy, and noting that such information “is not necessary for the public to understand the issues in the litigation”).

For these reasons, we respectfully request that the unredacted versions of these declarations be filed under seal. Plaintiffs do not consent to the request to file these unredacted declarations under seal, but they have indicated they will not file an opposition at this time.

We thank the Court for its consideration of this request.

Respectfully submitted,

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